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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,600	09/28/2001	Mihoko Kawahara	826.1761	2413
21171 7590 01/10/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/964,600

Applicant(s)

KAWAHARA ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/20/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 and 13-37 have been examined. Application 09/964,600 (PORTABLE TERMINAL DEVICE FOR PROVIDING AND OBTAINING ADVERTISEMENT INFORMATION, ADVERTISEMENT PROVIDING METHOD, ADVERTISEMENT OBTAINING METHOD, ADVERTISEMENT DISTRIBUTING METHOD AND PROGRAM THEREFOR) has a filing date 09/28/2001 and foreign priority 06/04/2001.

Response to Amendment

2. In response to Non Final Rejection filed 06/19/2006, the Applicant filed an Amendment on 09/20/2006, which amended claims 1, 13-18, 20, 22-36 and added new claim 37.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 13-24 and 26-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Said claims recite "the person is pre-assigned to act as an advertisement medium". The Examiner only found in the Applicant's specification a system where users use portable devices to communicate wirelessly with each other. Applicant's specification does not explain how a user can

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interrogate a consumer's portable device to identify an advertisement related to a good said consumer is wearing when Applicant's specification does not explain how said advertisement is linked to an advertisement stored in a portable device and how a user can identify said advertisement related to particular good carried by a consumer. Furthermore, Applicant's specification never mentioned the term "wearing" and only mentioned the term "advertising information about the goods a person in the street has on or with him or her" (see Applicant's specification page 20, lines 7-12). Therefore, the term "wearing" is not well defined, as information that are stored in a portable device would read "advertisement information about the goods a person in the street has with him or her".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 recites "retrieving an advertising medium". Said limitation is indefinite because it creates an indefiniteness regarding if an "advertisement medium" is a person or an advertisement, as a person cannot be retrieved.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 13-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Avnet (US 2002/0094787).

As per claim 1, Avnet teaches:

An advertisement providing method, comprising:

storing in storage unit of a portable terminal device carried by *a person assigned to act as an advertisement medium* (see figure 1, items 16 and 18), advertising information about goods the person is wearing or carrying or has associated with them (see paragraph 16); and transmitting the advertising information stored in the storage unit by a wireless signal upon receipt of a request to transmit advertising information from another portable terminal device (see paragraph 16).

As per claim 13, Avnet teaches:

An advertisement distributing method, comprising:

storing advertising information (see paragraph 5);

receiving a user entry of a person wearing or carrying goods *for which the person is pre-assigned* to act as an advertisement medium (see paragraph 5);

distributing advertising information about the goods to a portable terminal device of the person who has gained user entry (see paragraph 5); and

retrieving a corresponding advertisement and distributing the advertisement to another portable terminal device of a consumer when a request to view an advertisement is received according to advertising information transmitted from the portable terminal device of the person acting as the advertisement medium to the portable terminal device of a consumer (see paragraphs 14, 16).

As per claim 14, Avnet teaches:

A computer-executable program for realizing the functions of:

storing advertising information (see paragraph 5);

receiving a user entry of a person wearing or carrying goods *for which the person is pre-assigned* to act as an advertisement medium (see paragraph 5);

distributing advertising information about the goods to a portable terminal device of the person who has gained user entry (see paragraph 14); and

retrieving a corresponding advertisement and distributing the advertisement to another portable terminal device of a consumer when a request to view the advertisement is received according to advertising information transmitted from the portable terminal device of the person acting as the advertisement medium to the portable terminal device of the consumer (see paragraphs 14-16).

As per claim 15, Avnet teaches:

An advertisement distributing method, comprising:

storing advertising information (see paragraph 5);

distributing advertising information about goods to a portable terminal device at a request of a person wearing or carrying goods who is acting as an advertisement

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medium for the goods, *the person being pre-assigned to act as the advertisement medium for the goods* (see paragraph 16); and

giving an advertising reward to the advertisement medium who has provided the advertising information when a consumer views an advertisement or buys the goods after receiving the advertising information and according to the advertising information transmitted from the portable terminal device of the person acting as the advertisement medium to another portable terminal device of the consumer (see paragraphs 16 and 29).

As per claim 16, Avnet teaches:

An advertisement distributing method, comprising:

storing advertising information (see paragraph 16);

receiving a user entry of a person wearing or carrying goods *for which the person is pre-assigned* to act as an advertisement medium (see paragraph 16) and

distributing advertising information about goods to a portable terminal device of person acting as the advertisement medium who has gained user entry (see paragraph 16), and

realizing the function of requesting transmission of advertising information or transmitting advertising information between the portable terminal device of the person acting as the advertisement medium and another portable terminal device of a consumer (see paragraphs 16, 29).

As per claim 17, Avnet teaches:

A advertisement distributing method, comprising:

storing advertising information (see paragraph 18);
receiving a user entry of a person wearing or carrying goods *for which the person is pre-assigned* to act as an advertisement medium (see paragraph 5);
distributing advertising information about the goods to a portable terminal device of the person who has gained user entry (see paragraph 5); and
retrieving a corresponding advertisement and distributing the advertisement to another portable terminal device of a consumer when a request to view the advertisement is issued from the portable terminal device of the consumer with the advertising information and user-specified information for designation of the person acting as the advertisement medium specified (see paragraph 12).

As per claim 18, Avnet teaches:

An advertisement distributing method, comprising:
storing advertising information (see paragraph 5);
receiving a user entry of a person wearing or carrying goods *for which the person is pre-assigned* to act as an advertisement medium (see paragraph 5);
retrieving advertising information of corresponding goods when a request to view advertising information is received from a portable terminal device of a consumer containing user specified information about an advertisement medium and a retrieval condition of goods (see paragraphs 5 and 12); and
distributing the advertising information obtained by the retrieval to the portable terminal device of the consumer (see paragraph 14).

As per claim 19, Avnet teaches:

The method according to claim 18, wherein said user information comprises user-specified information, information designating whether or not an advertisement can be distributed, a term of distribution, and information designating access destination for advertising information (see paragraph 13).

As per claim 20, Avnet teaches:

An advertisement distributing method, comprising:

storing advertising information (see paragraph 5);

accepting user entry of a person wearing or carrying goods *for which the person is pre-assigned* to act as an advertisement medium (see paragraph 5);

storing user-specified information and a profile about the person who has gained the user entry, and advertisement specified information for designation of advertising information about goods the person acting as an advertisement medium is wearing or carrying (see paragraph 12); and

retrieving the advertisement medium having a matching or similar profile to a profile specified by a consumer from information about the entered advertisement medium and distributing advertising information of goods for which the person is acting as the advertisement medium to a portable terminal device of the consumer when a request to view an advertisement with the user specified information and the profile of the person acting as the advertisement medium specified by the consumer is received from the portable terminal device of the consumer (see paragraph 12).

As per claim 21, Avnet teaches:

The method according to claim 20, wherein a profile matching or similar to the profile of an advertisement medium specified by the consumer is retrieved (see paragraph 12);

advertisement specified information stored as associated with the advertisement medium having matching or similar profile specified by the consumer is obtained (see paragraphs 12 and 26); and

advertising information specified by the obtained advertisement specified information is retrieved, and the advertising information obtained by the retrieval is distributed to the portable terminal device of the consumer (see paragraph 15).

As per claim 22, Avnet teaches:

A advertisement distributing method, 15 comprising:

storing advertising information (see paragraph 5);

accepting a user entry of a person wearing or carrying goods *for which the person is pre-assigned* to act as an advertisement medium and a consumer, and storing user-specified information about the person who has gained the user entry, goods specified information designating goods the person acting as the advertisement medium, user-specified information about the consumer who has gained the user entry, and a profile of the consumer (see paragraph 12);

retrieving the goods specified information designating the goods the person is acting as the advertisement medium for corresponding to the user-specified information about the advertisement medium, and the profile of the consumer corresponding to the user specified information about the consumer (see paragraph 12);

obtaining advertising information matching the profile of the consumer based on the retrieval result (see paragraph 12); and

distributing the obtained advertising information to a portable terminal device of a consumer (see paragraph 13).

As per claim 23, Avnet teaches:

An advertisement distribution device, 15 comprising:

an advertisement storage unit storing advertising information (see paragraph 5);

an entry unit accepting a user entry of a person wearing or carrying goods *for which the person is pre-assigned* to act as an advertisement medium (see figure 1);

an advertisement distribution unit distributing advertising information about the goods to a portable terminal device of the person acting as the advertisement medium who has gained the user entry (see paragraph 14); and

a retrieval/distribution unit retrieving a corresponding advertising information from said advertisement storage unit, and distributing the advertising information to another portable terminal device of a consumer (see paragraph 27).

As per claim 24, Avnet teaches:

An advertisement distribution device, comprising:

an advertisement storage unit storing advertising information (see paragraph 14);

an entry unit accepting a user entry of a person wearing or carrying goods *for which the person is pre-assigned* to act as an advertisement medium (see paragraph 14);

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a user information storage unit storing a profile and user-specified information about the person who has gained the user entry (see paragraph 12),

and advertisement specified information designating advertising information about the goods the person is acting as the advertisement medium for (see paragraph 14); and

retrieving the advertisement medium having a matching or similar profile to a profile specified by a consumer from said user information storage unit and distributing advertising information of goods for which person acting as the advertisement medium for to a portable terminal device of a consumer when a request to view an advertisement with user specified information and the profile of the advertisement medium specified by the consumer is received from the portable terminal device of the consumer (see paragraph 12).

As per claim 25, Avnet teaches:

A system comprising:

a first portable device allowing an advertiser to enter and store advertising information therein and allowing the advertiser to wirelessly transmit the advertising information responsive to a request (see paragraph 27) ; and

a second portable device allowing a consumer to wirelessly request the advertising information stored in the first portable device and displaying the advertising information wirelessly received from the first portable device (see paragraphs 14, 27).

As per claim 26, Avnet teaches:

An advertising information delivery method for use with a server device, comprising:

receiving from a portable terminal device of a consumer via a network a reviewing request, which contains user identifying information of *person acting as* advertisement medium each wearing or carrying goods to act as an advertisement medium and goods search conditions (see figure 1 and paragraph 16);

determining, in a manner based on information about the *person acting as* advertisement medium, the information stored in a storage unit and containing user identification information, a *person acting as* advertisement medium corresponding to the received user identifying information (see paragraph 12),

finding from the storage unit, advertising information of the goods conforming to the received goods search conditions among the goods connected to the determined *person acting as* advertisement medium (see paragraph 14); and

delivering the found advertising information to the portable terminal device of the consumer (see paragraph 14).

As per claim 27, Avnet teaches:

The advertising information delivery method for use with a server device and according to claim 26, wherein: the user identifying information of the plurality of *said persons acting as* advertisement medium is received a plurality of times (see paragraph 14);

the user identifying information which has been contained every time in the received user identifying information is determined (see paragraph 12); and

the advertising information of the goods conforming to the received goods search conditions among the goods connected to *said person acting as the advertisement medium* persons corresponding to the determined user identifying information is found (see paragraphs 14-16).

As per claim 28, Avnet teaches:

An advertising information acquiring method for enabling a portable terminal device of a consumer to acquire advertising information from a server device via a network, comprising:

receiving from other portable terminal devices, which are carried by *persons acting as advertisement medium* each wearing or carrying goods to act as an advertisement medium, user identifying information of the persons (see figure 1 and paragraph 12)

obtaining an input of the consumer specifying goods search conditions (see paragraph 14);

transmitting to the server device, a reviewing request including both the user identifying information and the goods search conditions (see paragraphs 12-14);

causing the server device to determine a *person acting as an advertisement medium* corresponding to the user identifying information included in the reviewing request among *said persons acting as advertisement medium* corresponding to the user identifying information stored in a storage unit of the server device (see paragraph 12);

causing the server device to find the advertising information of the goods conforming to the goods search conditions among the goods connected to determined the person (see paragraph 14); and

acquiring, as delivered from the server device, the found advertising information (see paragraph 14).

As per claim 29, Avnet teaches:

The advertising information acquiring method according to claim 28 in which:

the user identifying information is received from the portable terminal devices a plurality of times (see paragraph 12); and

the user identifying information and goods search conditions received a plurality of times are transmitted to the server device to determine *said one or more persons acting as the advertisement medium* (see paragraphs 12-14).

As per claim 30, Avnet teaches:

An advertising information delivery method for use with a server device, comprising:

receiving from a portable terminal device of a consumer via a network a reviewing request, which contains user identifying information of *person acting as advertisement medium* each wearing or carrying goods to act an advertisement medium and a profile for selectively determining *persons acting as the advertisement medium* (see paragraphs 12-14);

determining, in a manner based on information about the *persons acting as advertisement medium*, information stored in a storage unit and containing a user

identifying information and a profile, *a person acting as* advertisement medium corresponding to the received profile among *said persons acting as* the advertisement medium and corresponding to the received user identifying information (see paragraph 12);

finding advertising information of the goods connected to the determined *person acting as the* advertisement medium (see paragraph 14); and

delivering the found advertising information to the portable terminal device of the consumer (see paragraph 14).

As per claim 31, Avnet teaches:

An advertising information acquiring method for a portable terminal device of a consumer acquiring advertising information from a server device via a network comprising:

receiving user identification information of a plurality of *persons acting as* advertisement medium each wearing or carrying goods from a plurality of portable terminal devices carried by *said persons acting as* the advertisement medium (see figure 1);

obtaining an input of the consumer specifying a profile for selectively determining *said persons acting as* advertisement medium (see paragraphs 12-16);

transmitting to the server device, a reviewing request *including* user identifying information and a profile (see paragraph 12);

determining a person acting as advertisement medium corresponding to the user identifying information and the profile contained in the reviewing request among user

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identifying information and the profiles stored in a storage unit of the server unit (see paragraph 12);

finding the advertising information of the goods connected to the determined *persons acting as the advertisement medium* (see paragraphs 12-16); and

acquiring the found advertising information delivered from the server device (see paragraph 14).

As per claim 32, Avnet teaches:

The advertising information acquiring method according to claim 31, wherein:

accepting the input of the consumer comprising the profile for specifying *said persons acting as advertisement medium* and the goods search conditions (see paragraphs 14-15); and

transmitting the retrieving request comprises the plurality of the user identifying information, the profile and the goods search conditions to the server device (see paragraphs 12-16).

As per claim 33, Avnet teaches:

A server device for delivering advertising information of goods to a portable terminal device of a consumer via a network, comprising:

a receiving unit receiving from the portable terminal device of the consumer, a reviewing request, *includes* user identifying information of *persons acting as advertisement medium* each wearing or carrying goods to act as an advertisement medium and goods search conditions (see figure 1, paragraphs 12-16);

a searching unit determining, in a manner based on information about *persons acting as* the advertisement medium, the information stored in a storage unit and containing the user identifying information (see paragraph 14), *a person acting as* advertisement medium corresponding to the received user identifying information, and finding, from the storage unit, advertising information of the goods conforming to the received goods search conditions among the goods connected to the determined *person acting as* advertisement medium (see paragraph 14); and

a delivery unit delivering the found advertising information to the portable terminal device of the consumer (see paragraph 14).

As per claim 34, Avnet teaches:

The server advice according to claim 33, wherein:

the receiver unit receives the user identifying information every time when the user identifying information being received by the portable terminal device of the consumer a plurality of times (see paragraph 12); and

the searching unit determines the user identifying information contained every time among the user identifying information received a plurality of times by the receiver unit and finding the advertising information of the goods conforming to the received goods search conditions among the goods connected to *said person acting as* the advertisement medium corresponding to the determined the user identifying information (see paragraphs 12-16).

As per claim 35, Avnet teaches:

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A server device for delivering advertising information of goods to a portable terminal device of a consumer via a network, comprising:

a receiver unit receiving from the portable terminal device of the consumer, a reviewing request, which *includes* user identifying information of *persons acting as* advertisement medium each wearing or carrying goods to act as an advertisement medium and a profile for selectively determining *said persons acting as the* advertisement medium (see paragraphs 12-16 and figure 1);

a searching unit determining, in a manner based on information about *said persons acting as* the advertisement medium, information stored in a storage unit and containing the user identifying information and the profile, *a person acting as* advertisement medium conforming to the profile among *profiles of said person acting as* the advertisement medium corresponding to the received user identifying information and searching, from the storage unit, advertising information of the goods connected to the determined *person acting as the* advertisement medium (see paragraph 14); and

a delivery unit delivering the found advertising information to the portable terminal device of the consumer (see paragraph 14).

As per claim 36, Avnet teaches:

The server device according to claim 35, wherein

said portable terminal device has functions of performing wireless communications with a wireless base station in a portable telephone network, and performing wireless communications with the portable terminal device of the consumer (see paragraph 17).

As per claim 37, Avnet teaches:

A method of providing advertisement, comprising:

storing a predetermined advertisement on a portable terminal of a first user, said predetermined advertisement being transmitted from a provider of a product (see paragraph 16); and

retrieving said advertisement from the portable terminal of the first user responsive to a request from a second user and transmitting said advertisement to a device of the second user, thereby enabling the first user to provide said advertisement on behalf of the provider of the product (see paragraphs 16, 29).

Response to Arguments

5. Applicant's arguments filed 09/20/2006 have been fully considered but they are not persuasive. The Applicant argues that the indefinite recitation pointed out by the Examiner is not found in claim 25. The Examiner agrees that claim 25 is not indefinite, however, claims 1, 13-24 and 26-36 continue presenting limitations that are not defined in Applicant's specification.

The Applicant argues that Avnet does not teach "transmitting" and "distributing" and that Avnet does not teach distributing advertisement information from a portable terminal of a person acting as an advertisement medium. The Examiner answers that Applicant's claim 1 recites "storing in a storage unit of a portable terminal device carried by a person assigned to act as an advertisement medium, advertising information about goods the person is wearing or carrying or has associated with them". Therefore, when a person is carrying a portable device, said portable device is a good and said person

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acts as an advertisement medium for said good, as said person is displaying said good to other people. Avnet teaches a person carrying a good (*i.e.* personal device), where said person acts as an advertisement medium of said good by displaying said good to other people (see Avnet paragraph 16). Furthermore, Avnet teaches transmitting and distributing information between different devices as the Avnet's portable devices have the capability of interacting with other portable device users (see paragraphs 29-30). Therefore, contrary to Applicant's argument, Avnet teaches Applicant's claimed invention.

The Applicant argues that with respect to claim 21 that Avnet does not teach "a profile matching or similar to the profile of an advertisement medium specified by the consumer is retrieved, advertisement specified information stored as associated with the advertisement medium having matching or similar profile specified by the consumer is obtained and distributed to the portable terminal device of the consumer". The Examiner answers that Avnet teaches a system that code each prompted message in a unique manner to enable the sponsor to determine and track the user's subsequent response to messages (*i.e.* did she go to the home page, did they buy anything) and accumulate the responses from users and redefine the advertising or data parameters that it is transmitting, where messages are automatically changed to optimize response rate (see Avnet paragraphs 24 and 26). Therefore, Avnet profiles the users responses to messages and target advertisements based upon said users' profiles.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Lastra 

November 27, 2006


YEHDEGA
PRIMARY EXAMINER